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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2003P88063 US	
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		First Named Inventor Charles W. Alvord	
		Art Unit 3694	Examiner D. Greene
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____		Vincent M De Luca Signature Vincent M De Luca Typed or printed name 202-659-0100 Telephone number 30 MAR 2007 Date	
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 32,408			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

The anticipation rejection of claims 37, 38, 40-44 and 46-49 over the “Admitted Prior Art” (APA) is clearly lacking in factual basis. Accordingly, review of this rejection is requested.

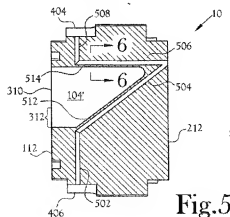
The anticipation rejection of claims 37-49 over the Satyamurthy reference is clearly lacking in factual basis. Accordingly, review of this rejection also is requested.

The additional rejection of claims 37-49 under 35 U.S.C. § 103 as being obvious over APA in view of Alvord, Fujiwara et al., Schyler et al., or Amini and further in view of Satyamurthy is clearly lacking in factual basis. Accordingly, review of this rejection also is requested.

Finally, the additional rejection of claims 37-49 under 35 U.S.C. § 103 as being obvious over Satyamurthy is clearly lacking in factual basis. Accordingly, review of this rejection also is requested.

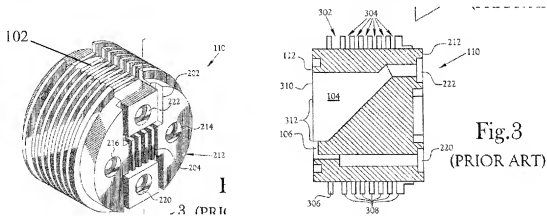
The Claim Limitations

With reference to Fig. 5, claim 37 requires a target assembly for containing and cooling enriched water, comprising a target body 10, a target chamber 104' formed within the target body having a front window 310, a rear wall 512 opposite the front window, the rear wall being sloped with respect to the front window, and a top wall 514 connecting the rear wall to the front window. The claim further requires a first cooling channel 508 having a first fluid inlet 404 at one end of the target body, a first fluid outlet 406 at another end of the target body, and a first cooling fluid channel conduit (502, 504, 506) formed within the target body coupling the first fluid inlet with the first fluid outlet, and running along at least a portion of the rear wall and along a portion of the top wall.

**Fig.5**

The Admitted Prior Art

The APA refers to Figs. 1-3 of the application, which disclose a prior art target assembly. As shown, the prior art target assembly contains cooling channels 302, 304 on the outside circumferential surface of the target assembly 110. Additional channels 202,



204 are located along rear surface 212 of the assembly. Cooling water flows into a transverse cut in the bottom of the assembly, through channels 302, 304 along the circumference of the assembly, and collects in transverse cut 102 as in Fig. 2.

The Missing Claim Limitations

The APA fails to disclose a first cooling channel having a first cooling fluid inlet at one end of the target body. There is no fluid inlet coupled to a cooling channel in the prior art assembly. Instead, cooling water flows into the transverse cut or “channel” at one end of circumferential channels 302, 304, through the channels 302, 304, and collects in second transverse cut or “channel” 102. See specification at paragraph 0009.

APA further fails to disclose a first cooling fluid channel conduit formed within the target body coupling the first cooling fluid inlet with the first cooling fluid outlet, and running along at least a portion of the sloped rear wall and along a portion of the top wall. Channels 302, 304 are not formed within the target body, as apparent from Fig. 3 above. The Examiner’s interpretation of the target body as extending to the outer peripheries 306, 308 of the external cooling channels 302, 304, is outside the broadest reasonable interpretation standard that must be used when examining claims for patentability, as it is contrary to and thus inconsistent with the specification. The channels 302, 304 are

formed on the outside surface of the target assembly 110, and are exposed to the external environment.

APA further fails to disclose that the cooling channel conduit runs along at least a portion of the sloped rear wall as claimed. As is apparent, the channels 302, 304 run along the outer circumference of the target assembly and do not run along the rear wall, as does channel conduit 504 as disclosed in Fig. 5. APA further fails to disclose the cooling channel conduit running along a portion of the top wall connecting the front window and rear wall, as does conduit portion 506 as shown in Fig. 5. If anything, channels 302, 304 run transverse to the top wall in the prior art assembly, and do not run along the top wall at any portion.

Satyamurthy

Satyamurthy discloses in Fig. 1 a cooling water chamber directly behind a target chamber, with a cooling water inlet tube entering one side of the cooling water chamber and being surrounded by a concentric cooling water outlet tube. There are no cooling fluid channel conduits formed within a target body or running along top and rear walls of a target chamber as required by the pending claims of this application. Instead, there is one large cooling water chamber formed adjacent to the target chamber. There are no cooling fluid inlets or outlets at respective ends of the target body. Instead the inlet and outlet are concentrically located and formed at one end of the cooling water chamber, not the target body.

Secondary Prior Art References

With respect to the Alvord, Fujiwara et al., Schlyer et al., and Amini references, the Office action has failed to establish a prima facie case of obviousness with respect to any of the claim limitations. Instead, this ground of rejection appears to merely conclude that it would have been obvious to do what applicants have done, without showing precisely how, why or where one of ordinary skill in the art would have been led to modify each of the cited prior art references so as to result in the claimed invention. There has been established no evidentiary basis for such conclusion, nor have any detailed explanations been provided to explain precisely how and where each cited prior

art reference would allegedly have been modified. As such, this ground of rejection is deficient on its face as a matter of law.

Conclusion

In view of the foregoing, it is submitted that claims 37 – 49 are not properly rejected. The Office action's interpretation of the claims is not reasonable in light of and consistent with the specification, and even given the claim interpretation, no *prima facie* case of obviousness has been established. Accordingly, panel review of the appealed grounds of rejection is requested. A Notice of Appeal has been filed on even date herewith.